

ARTICLE XV

PLANNING & ZONING BOARD

SECTION I: An Ordinance Establishing a Planning & Zoning Board for the Town of Mars Hill

WHEREAS, THE North Carolina General Statutes 160A-361 authorize the creation of a planning agency, and

WHEREAS, the health, safety and general welfare of the citizens of the Town of Mars Hill will be promoted through the study of conditions and trends within the Town and its extra-territorial jurisdiction, and through the establishment of development objectives and plans and regulations to address such objectives,

NOW, THEREFORE, BE IT ORDAINED that the Board shall consist of fourteen (14) members: seven citizen members who reside within the Town shall be appointed by the Board of Aldermen of the Town of Mars Hill, and seven members who reside outside the Town but within the Town's extra-territorial planning jurisdiction shall be appointed by the Madison County Board of Commissioners. Half of the members shall be appointed for a term of one (1) year and the other half of the members shall be appointed for a term of two (2) years. Their successors shall be appointed to two (2) year terms. Vacancies shall be filled by appointments to fulfill the unexpired term.

BE IT FURTHER ORDAINED that the Board shall adopt a set of By-Laws governing the proceedings, rules and duties of the Board.

This Ordinance shall take effect and be in force from and after the **10th** day of **August, 1987**.

NOTE: *Board structure revised to be seven (7) members; four (4) from within the Town of Mars Hill and three (3) in the extra-territorial planning jurisdiction.*

NOTE: *Board structure revised (June 2, 2008) to be seven (7) members; five (5) from within the Town of Mars Hill and two (2) in the extra-territorial planning jurisdiction.*

**SECTION II: BY-LAWS FOR PLANNING AND ZONING BOARD OF THE
TOWN OF MARS HILL**

ARTICLE I

Objectives

The objectives and purposes of the Planning and Zoning Board of Mars Hill, North Carolina are those set forth in General Statutes of North Carolina, 160-361, and amendments and supplements thereto, and those powers and duties delegated to the Planning and Zoning Board by the Board of Aldermen by Ordinance of August 10, 1987, in accordance with the enabling law.

ARTICLE II

Powers and Duties

- 2.1 It shall be the duty of the Planning and Zoning Board in general:
- 1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in those conditions;
 - 2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
 - 3) To establish principles and policies for guiding action in the development of the area within the Town and within its extraterritorial jurisdiction;
 - 4) To prepare and recommend to the Board of Aldermen ordinances promoting orderly development along the lines indicated in the Comprehensive Plan;
 - 5) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan of the growth and improvements of this area;
 - 6) To keep the Board of Aldermen and the general public informed and advised as to these matters; and
 - 7) To perform any other duties which may lawfully be assigned to it.

ARTICLE III

Membership and Vacancies

- 3.1 **Membership:** The Planning and Zoning Board shall consist of fourteen (14) members. Seven (7) members shall be citizens and residents of the Town and shall be appointed by the Board of Aldermen; seven (7) members shall be citizens of the County who reside outside of the Town but within the extra-territorial zoning jurisdiction, and shall be appointed by the Board of Commissioners of the County.

NOTE: *Board structure later revised to be seven (7) members; four (4) from within the Town of Mars Hill and three (3) in the extra-territorial planning jurisdiction.*

AMENDMENT: *June 2, 2008 – Board structure revised to five (5) members residing within the Town of Mars Hill and two (2) from the extra-territorial jurisdiction for a total of seven (7) members.*

- 3.2 **Rights and Privileges of County Members:** Those members appointed by the County Commissioners shall have equal rights, privileges and duties as those members appointed by the Board of Aldermen and shall act on all matters coming before the Board whether those matters arise within the Town or within the extra-territorial jurisdiction.
- 3.3 **Membership, Terms:** Members shall be appointed for staggered terms of two (2) years, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Vacancy of terms for members outside the Town but within the extra-territorial area shall be filled by appointment from the County Commissioners within sixty (60) days of receipt of a request from the Board Chairman. Failure of the County Commissioners to act within this time shall place the burden of appointment on the Board of Aldermen.
- 3.4 **Unexcused Absences:** Any member missing three (3) consecutive unexcused meetings or six (6) meetings in any calendar year shall be removed. Faithful attendance to meetings of the Board is to be considered a prerequisite to continued membership.

ARTICLE IV

Officers and Their Duties

- 4.1 **Officers:** The officers of the Planning and Zoning Board shall consist of a Chairman, a Vice-Chairman, and a Secretary. Officers shall be elected by a majority vote of the Board at the January meeting of the Planning and Zoning Board.
- 4.2 **Chairman, Rights, Privileges, and Duties:** The Chairman shall preside at all meetings

and hearings of the Planning and Zoning Board and shall have the duties normally conferred by parliamentary usage of such officers, which include the appointment of committees and the authorizing of and certifying of the expenditure of funds (postage, phone calls, etc.). The Chairman shall be one of the members appointed by the Board of Aldermen of the Town. He shall have the authority to discuss all matters before the Board and of voting thereon.

- 4.3 Vice-Chairman, Duties: The Vice-Chairman shall act for the Chairman in his absence. He shall be one of the members appointed by the Board of Aldermen of the Town.
- 4.4 Secretary, Duties: The Secretary shall keep the minutes and records of the Board, prepare agenda of regular and special meetings with the Chairman, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and to such other duties normally carried out by the Secretary.

ARTICLE V

Meetings

- 5.1 Meeting Time and Place: Meetings of the Planning and Zoning Board shall be held at least once each month and will normally occur on the last Thursday of the month at 7:30 p.m. in the Mars Hill Town Hall.
- 5.2 A Quorum: A majority of the membership of the Board shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the members which constitute the quorum for a given meeting.
- 5.3 Special Meetings: Special meetings may be called by the Chairman. It shall be the duty of the Chairman to call such a meeting upon recommendation of the Board. During a special meeting, no other business may be considered except that which was specified by advance notice. The Secretary shall notify all members of the Board in writing not less than five (5) days in advance of such special meetings.
- 5.4 All Official Action Public: All meetings of which official action is taken shall be open to the general public.

ARTICLE VI

Public Hearings

- 6.1 Hearings in the Public Interest: In addition to those required by law, the Board may,

at its discretion, hold public hearings when it decides that such hearings will be in the public interest.

- 6.2 Notification: Notice of the time and place of such hearing shall be published in any official newspaper of general circulation of Madison County, which shall comply with the current existing North Carolina General Statutes pertaining to and setting forth the requirements of publications of legal notices.
- 6.3 Organization, Rules and Records: The case before the Board shall be that which the Board notified the public by advance notice. The case before the Board shall be represented in summary by the Secretary of a designated member of the Board at the beginning of said hearing. Therefore, all interested parties shall have privileges of the floor. A record shall be kept of those speaking before the Board.

ARTICLE VII

Amendments

These By-Laws may be amended by a two-thirds vote of the entire membership of the Planning and Zoning Board with subsequent approval and ratification by the Board of Aldermen of the Town of Mars Hill.

ARTICLE VIII

Adoption of these By-Laws

These By-Laws are hereby adopted this 10th day of August, 1987.